

**DECLARATION AND POWER OF ATTORNEY**

**REGULAR OR DESIGN APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

SURGICAL OPERATION SUPPORTING APPARATUS, METHOD AND  
PROGRAM,

the specification of which:

(check one)

☒ is attached hereto

☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_, and  
was amended on \_\_\_\_\_.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

|                             |                             |                             |   |                              |
|-----------------------------|-----------------------------|-----------------------------|---|------------------------------|
|                             |                             |                             | <u>Priority Claimed</u>                 |                              |
| <u>PCT/JP2005/005855</u>    | <u>WIPO</u>                 | <u>29/03/2005</u>           | <input checked="" type="checkbox"/> [X] | <input type="checkbox"/> [ ] |
| (Number)                    | (Country)                   | (Day/Month/Year Filed)      | Yes                                     | No                           |
| <u>                    </u> | <u>                    </u> | <u>                    </u> | <input type="checkbox"/> [ ]            | <input type="checkbox"/> [ ] |
| (Number)                    | (Country)                   | (Day/Month/Year Filed)      | Yes                                     | No                           |
| <u>                    </u> | <u>                    </u> | <u>                    </u> | <input type="checkbox"/> [ ]            | <input type="checkbox"/> [ ] |
| (Number)                    | (Country)                   | (Day/Month/Year Filed)      | Yes                                     | No                           |

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

|                       |              |                        |
|-----------------------|--------------|------------------------|
| <u>JP 2004-099297</u> | <u>Japan</u> | <u>30/03/2004</u>      |
| (Number)              | (Country)    | (Day/Month/Year Filed) |

**CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION  
UNDER 35 U.S.C. §119(e)(1)**

I hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any provisional application for patent or inventor's certificate listed below and have also identified below any provisional application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

|                             |                             |
|-----------------------------|-----------------------------|
| <u>                    </u> | <u>                    </u> |
| (Serial Number)             | (Day/Month/Year Filed)      |

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S) UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional,  
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

|              |               |  |
|--------------|---------------|--|
| (Serial No.) | (Filing Date) | (Status: patented, pending, abandoned) |
| (Serial No.) | (Filing Date) | (Status: patented, pending, abandoned) |

### POWER OF ATTORNEY

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Shirley T. Bissen (57,769); Brian B. Diekhoff (46,353); Kathryn J. Doty (40,593); Jessica J. Monachello (58,015); Donald L. Schelling (53,558); Julie A. Scott (43,099); Teddy Scott, Jr. (53,573); James M. Stipek (39,388); Michael A. Williamson (54,541); and Patrick C. Woolley (39,078).

Send Correspondence To:

Direct Telephone Calls To:

POLSINELLI SHALTON WELTE SUELTHAUS PC  
100 South Fourth Street, Suite 1100  
St. Louis, Missouri 63102-1825

Brian B. Diekhoff  
(314) 889-8000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Seiji Yamamoto

Inventor's signature Seiji Yamamoto Date Sept 9th, 2006

Residence Shizuoka, Japan Citizenship JP

Post Office Address K-346, 6-11, Handayama 2-chome

Hamamatsu-shi, Shizuoka, 4313125 JAPAN

Full name of second joint inventor Susumu Terakawa  
Second inventor's signature Susumu Terakawa Date Sept. 1, 2006  
Residence Shizuoka, JP Citizenship JP  
Post Office Address 45-6, Handayama 3-chome  
Hamamatsu-shi, Shizuoka, 4313125 JAPAN

Full name of third joint inventor Toshihisa Takai  
Third inventor's signature Toshihisa Takai Date Sept. 7th, 2006  
Residence Shizuoka, JP Citizenship JP  
Post Office Address c/o Pulstec Industrial Co., Ltd. 90-3, Higashi-mikata-cho  
Hamamatsu-shi, Shizuoka, 438510 JAPAN

Full name of fourth joint inventor Katsuhiro Sato  
Fourth inventor's signature Katsuhiro Sato Date Sept. 7th, 2006  
Residence Shizuoka, JP Citizenship JP  
Post Office Address c/o Pulstec Industrial Co., Ltd. 90-3, Higashi-mikata-cho  
Hamamatsu-shi, Shizuoka, 4313125 JAPAN

### EXPLANATION OF ACKNOWLEDGMENT

The acknowledgment of your duty to disclose information which is material to the examination of the application in accordance with Title 37, Code of Federal Regulations, §1.56 required in the Declaration is a shorthand way of your acknowledging:

that as to the subject matter of the present application, you do not know and do not believe that it was ever known or used in the United States of America before your invention thereof or patented or described in any printed publication in any country before your invention thereof or more than one year prior to the date of the present application, or in public use or on sale in the United States of America more than one year prior to the date of the present application;

that said subject matter has not been patented or made the subject of an inventor's certificate issued in any country foreign to the U.S. on an application filed by you or your legal representatives or assigns more than twelve months prior to the date of the present application;

that no application for patent or inventor's certificate on said subject matter has been filed by you or your representatives or assigns in any country foreign to the United States of America, except those identified, if any; and

that you will advise us of the closest prior art of which you are aware so that we may bring it to the attention of the Patent and Trademark Office.

During the pendency of the patent application, each person substantially involved in the preparation or prosecution of a patent application, including each inventor, has a duty to disclose to the Patent Office all known information which would be material to patentability. Such information should be brought to the attention of the Patent Office within three months of filing of the application, or within three months of acquiring such information, whichever is later. Accordingly, please promptly advise us of any information, except for prior art already brought to our attention, that is material to patentability and is either presently known to you or later becomes known to you during the pendency of this application.